

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GABRIEL CONTRERAS,

Plaintiff,

v.

FERNANDO TUVERA, et al.,

Defendants.

No. C 15-05510 EJD (PR)

**ORDER DIRECTING PLAINTIFF TO
PROVIDE COURT WITH MORE
INFORMATION FOR UNSERVED
DEFENDANTS**

Plaintiff, a state prisoner currently incarcerated at Salinas Valley State Prison (“SVSP”) in Soledad, filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 against SVSP officials. On March 10, 2016, the Court issued an order of service upon SVSP Defendants. (Docket No. 6.) On March 21, 2016, Litigation Coordinator G. Lopez sent a letter to the Court indicating that Defendants Dr. Palmer and Nurse Patricia Adams never worked at SVSP. (Docket No. 21.) Accordingly, these Defendants have not been served.


Although a plaintiff who is incarcerated and proceeding in forma pauperis may rely on service by the Marshal, such plaintiff “may not remain silent and do nothing to effectuate such service”; rather, “[a]t a minimum, a plaintiff should request service upon the appropriate defendant and attempt to remedy any apparent defects of which [he] has

1 knowledge.” Rochon v. Dawson, 828 F.2d 1107, 1110 (5th Cir. 1987). Here, Plaintiff
2 has not provided sufficient information to allow the Marshal to locate and serve
3 Defendants Dr. Palmer and Nurse Patricia Adams and therefore Plaintiff must remedy the
4 situation or face dismissal of his claims against these defendants without prejudice. See
5 Walker v. Sumner, 14 F.3d 1415, 1421-22 (9th Cir. 1994) (holding prisoner failed to
6 show cause why prison official should not be dismissed under Rule 4(m) where prisoner
7 failed to show he had provided Marshal with sufficient information to effectuate service).

8 Accordingly, Plaintiff must file a notice providing the Court with accurate and
9 current addresses for **Defendants Dr. Palmer** and **Nurse Patricia Adams** such that the
10 Marshal is able to effect service. If Plaintiff fails to provide the Court with the
11 information requested **within thirty (30) days** of the date this order is filed, Plaintiff’s
12 claims against these Defendants will be dismissed without prejudice pursuant to Rule
13 4(m) of the Federal Rules of Civil Procedure.

14 **IT IS SO ORDERED.**

15 DATED: 4/4/2016


EDWARD J. DAVILA
United States District Judge